RCRA REVISION CHECKLIST 24

Financial Responsibility:
Settlement Agreement
51 FR 16422-16459
May 2, 1986
as amended on March 10, 1988, at 53 FR 7740-7741
(Non-HSWA Cluster II)

Note: The March 10, 1988 (53 <u>FR</u> 7740) amendments to this rule corrected errors in the preamble in which certain provisions were erroneously described as less stringent (i.e., optional) than the previous Federal program. Therefore, final determination of optional sections and subsections for this checklist was based on the March 10, 1988 amendments. Because these were the only changes made by that final rule, a separate checklist was not developed.

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amendments. Because the	se were the only changes made b	by that final rule, a sep		ot developed. STATE ANALOG IS:
		ANALOGOUS	EQUIV- MORE	
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	STATE CITATION		BENT IN SCOPE
PART 2	60 - HAZARDOUS WASTE N	MANAGEMENT SYS	STEM: GENERAL	
	SUBPART B -	DEFINITIONS		
DEFINITIONS				
"active life"	260.10			
"final closure"	260.10			
"hazardous waste management unit"	260.10			
"partial closure"	260.10			
	STANDARDS FOR OWNER STE TREATMENT, STORAG			OUS
	SUBPART G - CLOSUR	E AND POST-CLO	SURE	
APPLICABILITY				
closure of all				
facilities	264.110(a)			
post-closure care	264.110(b)			
CLOSURE PERFORMA	ANCE STANDARD			
minimizes	004 444(-)			
maintenance	264.111(a)			
controls, minimizes	264 111(b)			
post-closure escape	264.111(b)			

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	-		ANALOGOUS	EQUIV- MORE	BROADER
	FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	STATE CITATION	ALENT STRINGE	NT IN SCOPE
	complies with				
	requirements	264.111(c)			
	CLOSURE PLAN; AMENE	DMENT OF PLAN			
†	written plan	264.112(a)			
	content of plan	264.112(b)			
	hazardous waste				
	management unit to be closed	264.112(b)(1)			
	final closure/maximum extent of enclosed	201.112(0)(1)			
	operations	264.112(b)(2)			
	maximum inventory	264.112(b)(3)			
	remove or decontam-	, , ,			
	inate all residues/	264 112(b)(4)			
	equipment other activities to	264.112(b)(4)			
	assure closure	264.112(b)(5)			
_	schedule for closure	264.112(b)(6)			
†	estimate year of final closure	264.112(b)(7)			
	amendment of plan	264.112(c)			
†	notification of partial	004 440/-1\			
+	and final closure remove wastes,	264.112(d)			
'	decontaminate and				
	dismantle	264.112(e)			
†	CLOSURE; TIME ALLOW	ED FOR CLOSURE			
	treat final volume in				
	90 days or use criteria	264.113(a)			
	complete closure in 180 days or use				
	<u>criteria</u>	264.113(b)			
	demonstration must				
	be within 30 days	004 440(a)			
	timeframe	264.113(c)			
	DISPOSAL OR DECONTA	AMINATION OF EQUIPME	NT, STRUCTURES	AND SOILS	
	requirement at closure	264.114			

STATE ANALOG IS:					
		ANALOGOUS	EQUIV-	MORE	BROADER
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	STATE CITATION	ALENT	STRINGENT	IN SCOPE
CEDIFICATION OF CLC	NCLIDE.				
CERTIFICATION OF CLC	JSURE				
approved in accordance with	264.115				
accordance with	204.115				
SURVEY PLAT					
OOKVETTEM					
survey plat required	264.116				
POST-CLOSURE CARE	AND USE OF PROPERTY				
continued care for					
30 years	264.117(a)(1)				
reduction or extension					
of care period	264.117(a)(2)				
security requirements	264.117(b)				
mant algoring tracklingite	204 447(a)				
post-closure use limits activities in accord	264.117(c)				
with plan	264.117(d)				
witti piati	264.117(u)				
POST-CLOSURE PLAN;	AMENDMENT OF PLAN				
<u> </u>	7.11121421412141				
written plan	264.118(a)				
specified activities	264.118(b)				
availability of plan	264.118(c)				
	204 440(4)				
amendment of plan	264.118(d)				
POST-CLOSURE NOTIC	FQ				
record of type,					
location and quantity					
of hazardous waste	264.119(a)				
requirement to enter	204.110(a)				
note on deed	264.119(b)				
conditions for removal	201.110(2)				
of notation	264.119(c)				
	, ,				
CERTIFICATION OF COM	MPLETION OF POST-CLO	SURE CARE			
completion of post-					
closure period	264.120				
	SUBPART H - FINANC	CIAL REQUIREMEN	TS		

ANALOGOUS EQUIV- MORE BROADER		Jettlement Agre	ement (cont a)		STATE	ANALOG IS:
DEFINITIONS OF TERMS AS USED IN THIS SUBPART "current plugging and abandonment cost estimate" 264.141(f) COST ESTIMATE FOR CLOSURE O/o must have written cost estimate 264.142(a) adjust closure cost estimate for inflation 264.142(b) closure plan changes 264.142(c) FINANCIAL ASSURANCE FOR CLOSURE reimbursement for closure activities 264.143(a)(10) standby trust fund equal to penal sum 264.143(b)(4)(ii) surety liability keyed to final Administrative Order 264.143(c)(5) after final 3008 determination Regional Administrator may draw on credit 264.143(d)(8) o/o may request reimbursement 264.143(f)(1)(ii)(B) 90% of assets in U.S. 264.143(f)(1)(ii)(D) net cost estimate 264.143(f)(1)(iii)(D) phrases of cost estimate 264.143(f)(1)(iii)(D) phrases of cost estimate 264.143(f)(2) release of col form requirements 264.143(i) COST ESTIMATES FOR POST-CLOSURE CARE			ANALOGOUS	EQUIV-		
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at six times 264.143(f)(1)(i)(B) 90% of assets in U.S. 264.143(f)(1)(i)(D) net worth at 6 times sum of cost estimate 264.143(f)(1)(ii)(B) 90% of assets in U.S. 264.143(f)(1)(ii)(D) phrases of cost estimates including plugging and abandonment 264.143(f)(2) release of o/o from requirements 264.143(i) COST ESTIMATES FOR POST-CLOSURE CARE		264.143(e)(5)				
90% of assets in U.S. 264.143(f)(1)(i)(D) net worth at 6 times sum of cost estimate 264.143(f)(1)(ii)(B) 90% of assets in U.S. 264.143(f)(1)(ii)(D) phrases of cost estimates including plugging and abandonment 264.143(f)(2) release of o/o from requirements 264.143(i) COST ESTIMATES FOR POST-CLOSURE CARE	•	004 4 40(5)(4)(:)(D)				
U.S. 264.143(f)(1)(i)(D) net worth at 6 times sum of cost estimate 264.143(f)(1)(ii)(B) 90% of assets in U.S. 264.143(f)(1)(ii)(D) phrases of cost estimates including plugging and abandonment 264.143(f)(2) release of o/o from requirements 264.143(i) COST ESTIMATES FOR POST-CLOSURE CARE		264.143(f)(1)(l)(B)				
net worth at 6 times sum of cost estimate 264.143(f)(1)(ii)(B) 90% of assets in U.S. 264.143(f)(1)(ii)(D) phrases of cost estimates including plugging and abandonment 264.143(f)(2) release of o/o from requirements 264.143(i) COST ESTIMATES FOR POST-CLOSURE CARE		004 4 40(0)(4)(1)(D)				
sum of cost estimate 264.143(f)(1)(ii)(B) 90% of assets in U.S. 264.143(f)(1)(ii)(D) phrases of cost estimates including plugging and abandonment 264.143(f)(2) release of o/o from requirements 264.143(i) COST ESTIMATES FOR POST-CLOSURE CARE		264.143(f)(1)(I)(D)				
90% of assets in U.S. 264.143(f)(1)(ii)(D) phrases of cost estimates including plugging and abandonment 264.143(f)(2) release of o/o from requirements 264.143(i) COST ESTIMATES FOR POST-CLOSURE CARE		004 440(0)(4)(1)(1)				
U.S. 264.143(f)(1)(ii)(D) phrases of cost estimates including plugging and abandonment 264.143(f)(2) release of o/o from requirements 264.143(i) COST ESTIMATES FOR POST-CLOSURE CARE		264.143(f)(1)(II)(B)				
phrases of cost estimates including plugging and abandonment 264.143(f)(2) release of o/o from requirements 264.143(i) COST ESTIMATES FOR POST-CLOSURE CARE		004 440(0(4)(0)(5)				
estimates including plugging and abandonment 264.143(f)(2) release of o/o from requirements 264.143(i) COST ESTIMATES FOR POST-CLOSURE CARE		264.143(f)(1)(ii)(D)				
plugging and abandonment 264.143(f)(2) release of o/o from requirements 264.143(i) COST ESTIMATES FOR POST-CLOSURE CARE						
abandonment 264.143(f)(2) release of o/o from requirements 264.143(i) COST ESTIMATES FOR POST-CLOSURE CARE	•					
release of o/o from requirements 264.143(i) COST ESTIMATES FOR POST-CLOSURE CARE						
requirements 264.143(i) COST ESTIMATES FOR POST-CLOSURE CARE		264.143(f)(2)				
COST ESTIMATES FOR POST-CLOSURE CARE						
	<u>requirements</u>	264.143(i)				
annual post-closure		POST-CLOSURE CARE				
cost requirements 264.144(a)	cost requirements	264.144(a)				

	Octilement Ag	reement (cont a)		QTATE	ANALOG IS:
		ANALOGOUS	EQUIV-	MORE	BROADER
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	STATE CITATION	ALENT	STRINGENT	IN SCOPE
adjust for inflation	264.144(b)				
post-closure plan	,				
<u>changes</u>	264.144(c)				
FINANCIAL ASSURANCE	FOR POST-CLOSURE C	CARE			
introductory text	264.145				
reimbursements for	204.140				
post-closure activities	264.145(a)(11)				
	204.143(a)(11)				
standby trust fund	004445(5)(4)(:)				
equal to penal sum	264.145(b)(4)(ii)				
surety liability keyed					
to final Administrative					
Order	264.145(c)(5)				
after final 3008 deter-					
mination Regional					
Administrator may					
draw on credit	264.145(d)(9)				
o/o may request					
reimbursement	264.145(e)(5)				
net capital and worth	, , , ,				
at six times	264.145(f)(1)(i)(B)				
90% of assets in U.S.	264.145(f)(1)(i)(D)				
net worth at 6 times	20(.)()()()				
sum of estimate	264.145(f)(1)(ii)(B)				
<u>sam or commute</u>	204.140(1)(1)(1)(1)				
90% of assets in U.S.	264.145(f)(1)(ii)(D)				
phrases of cost	204.143(1)(1)(1)(1)				
estimates include					
plugging and	004445(6)(0)				
abandonment	264.145(f)(2)				
release of o/o from	004.445(1)				
<u>requirements</u>	264.145(i)				
LIABILITY REQUIREMEN	TS				
period of coverage	264.147(e)				
<u> </u>					
WORDING OF THE INSTI	RUMENTS				
financial guarantee	. Comercio				
bond	264.151(b)				
closure cost	20 1 . 10 1(b)				
estimates under 40					
CFR 144.62; includes	004 454 (5) (5)				
UIC costs	264.151(f)(5)				

	Settlement Agre	eement (contid)	07475 4444 00
		ANALOGOUS	STATE ANALOG EQUIV- MORE BROADE
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	STATE CITATION	ALENT STRINGENT IN SCOP
closure cost			
estimates under 40			
CFR 144.62; includes	004.454(.)(5)		
UIC costs	264.151(g)(5)		
	TERIM STATUS STANDARE S WASTE TREATMENT, ST		
	SUBPART G - CLOSURE	E AND POST-CLOS	SURE
APPLICABILITY			
management facilities	265.110(a)		
disposal facilities	265.110(b)		
CLOSURE PERFORMAN	ICE STANDARD		
minimize maintenance	265.111(a)		
controls, minimizes,	•		
eliminates escape	265.111(b)		
complies with closure			
<u>requirements</u>	265.111(c)		
CLOSURE PLAN; AMEN	DMENT OF PLAN		
written plan	265.112(a)		
content of plan	265.112(b)		
hazardous waste			
management unit to be closed	265.112(b)(1)		
final closures and	203.112(b)(1)		
maximum extent of			
facility	265.112(b)(2)		
<u></u>	2001112(2)(2)		
maximum inventory	265.112(b)(3)		
remove or decontam-			
inate all residues/			
<u>equipment</u>	265.112(b)(4)		
other activities to			
assure closure	265.112(b)(5)		
schedule of closure	265.112(b)(6)		
	· , , · · ,		

†

		Settlement Agre	eement (cont'd)	07475	
			ANALOGOUS	EQUIV- MORE	ANALOG IS: BROADER
	FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	STATE CITATION	ALENT STRINGENT	-
_	antimate was a of final				
†	estimate year of final	OCE 440/b)/7)			
	closure	265.112(b)(7)			
	amendment of plan	265.112(c)			
	notification of partial	· ·			
	and final closure	265.112(d)(1)			
†	date when o/o expects	,,,,			_
	to begin closure;				
	extension to one-year				
	limit	265.112(d)(2)			
†	submittal of	,,,,			
	closure plan	265.112(d)(3)			
†	opportunity to				
	comment, public				
	hearing, and				
	approval, modifica-				
	tion or disapproval				
	of plan by				
	Regional Administrator	265.112(d)(4)			
†	remove wastes,				
	decontaminate and				
	dismantle	265.112(e)			
†	CLOSURE; TIME ALLOW	ED FOR CLOSURE			
ı	treat final volume in	LB I OK GLOGOKE			
	90 days or use criteria	265.113(a)			
	complete closure in				
	180 days or use				
	criteria	265.113(b)			
	demonstrations must be	• •			_
	made within 30 days	265.113(c)			
	DISPOSAL OR DECONTA	AMINATION OF EQUIPMEN	NT, STRUCTURES /	AND SOILS	
	requirement at closure	265 114			
	requirement at closure	200.114			
	CERTIFICATION OF CLO	SURE			
	requirement at closure	265.115			
	SURVEY PLAT				
	survey plat required	265.116			
	POST-CLOSURE CARE A	AND USE OF PROPERTY			

STATE ANALOG IS:					
		ANALOGOUS	EQUIV-	MORE	BROADER
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	STATE CITATION	ALENT	STRINGENT	IN SCOPE
continued core for 20					
continued care for 30	265.117(a)(1)				
years reduction or extension	205.117(a)(1)				
of care period	265.117(a)(2)				
or ouro periou	200.117(4)(2)				
security requirements	265.117(b)				
	. ,				
post-closure use limits	265.117(c)				
activities in accord					
with plan	265.117(d)				
POST-CLOSURE PLAN;	AMENDMENT OF DLAN				
FOST-CLOSURE FLAN,	AWENDWENT OF FLAN				
written plan	265.118(a)				
availability of plan	265.118(b)				
specified activities	265.118(c)				
	005 440(1)				
amendment of plan	265.118(d)				
o/o to submit plan 180 days before closure	265 119(a)				
days before closure	265.118(e)				
approval of plan	265.118(f)				
spp.o.a. o. p.a					
modification of plan	265.118(g)				
POST-CLOSURE NOTIC	<u>ES</u>				
record of type, loca-					
tion and quantity of waste	265.119(a)				
requirement to enter	205.119(a)				
note on deed	265.119(b)				
conditions for removal	2001110(2)				
of notation	265.119(c)				
<u></u>	MPLETION OF POST-CLOS	SURE CARE			
completion of post-	005.400				
closure period	265.120				
	SUBPART H - FINANC	IAL REQUIREMEN	ITS		
APPLICABILITY					
all hazardous waste					
facilities	265.140(a)				

	Octilement Agre	conta)		STATE	ANALOG IS:
-		ANALOGOUS	EQUIV-	MORE	BROADER
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	STATE CITATION	ALENT	STRINGENT	IN SCOPE
DEFINITIONS OF TERMS	S AS USED IN THIS SUBPA	\RT			
current plugging and					
abandonment of cost					
<u>estimate</u>	265.141(f)				
COST ESTIMATE FOR C	LOSURE				
o/o must have written					
cost estimate	265.142 <u>(</u> a)				
adjust closure cost					
estimate for inflation	265.142(b)				
closure plan changes	265.142(c)				
EINIANIO /A					
FINANCIAL ASSURANCE	FOR CLOSURE				
reimbursement for					
closure activities	265.143(a)(10)				
standby trust fund					
equal to penal sum	265.143(b)(4)(ii)				
after final 3008 deter-					
mination Regional					
Administrator may					
draw on credit	265.143(c)(8)				
o/o may request	005 440(1)(5)				
reimbursements	265.143(d)(5)				
net capital and worth	005 440(-)(4)(1)(D)				
at six times	265.143(e)(1)(i)(B)				
000/ of access in LLC	205 442(a)(4)(i)(D)				
90% of assets in U.S.	265.143(e)(1)(i)(D)				
net worth at six times	265 142(a)(1)(ii)(D)				
sum of cost estimate	265.143(e)(1)(ii)(B)				
90% of assets in U.S.	265.143(e)(1)(ii)(D)				
phrases of cost esti-	203.143(e)(1)(II)(D)				
mates including					
plugging and					
abandonment	265.143(e)(2)				
release of o/o from	200.145(e)(2)				
requirements	265.143(h)				
<u>requirements</u>	203.143(11)				
COST ESTIMATE FOR P	OST-CLOSURE CARE				
o/o must have written	COT GEOCOTIC OAILE				
cost estimate	265.144(a)				
<u>oost cominate</u>	<u>200. 1 ττ(α)</u>				
adjust for inflation	265.144(b)				
post-closure plan	200.177(b)				
changes	265.144(c)				
onanges	<u> 200. 177(0)</u>				

	Octilement Agre	conta)		STATE	ANALOG IS:
		ANALOGOUS	EQUIV-	MORE	BROADER
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	STATE CITATION		STRINGENT	-
•	•				
FINANCIAL ASSURANCE	FOR POST-CLOSURE CA	ARE			
		··· · · —			
introductory text	265.145				
o/o may request	2001. 10				
reimbursements	265.145(a)(11)				
standby trust fund	200.145(a)(11)				
equal to penal sum	26F 14F(b)(4)(ii)				
-	265.145(b)(4)(ii)				
after final 3008 deter-					
mination Regional					
Administrator may					
draw on credit	265.145(c)(9)				
o/o may request					
reimbursement	265.145(d)(5)				
net capital and worth					
at six times	265.145(e)(1)(i)(B)				
90% of assets in U.S.	265.145(e)(1)(i)(D)				
net worth at 6 times	. , , , , , ,				
sum of cost estimates	265.145(e)(1)(ii)(B)				
90% of assets in U.S.	265.145(e)(1)(ii)(D)				
phrases for cost esti-					
mates including					
plugging and					
abandonment	265.145(e)(2)				
release of o/o from	203.143(e)(2)				
	265.145(h)				
<u>requirements</u>	265.145(11)				
LIADUITY DECLUDEMEN	ITC				
LIABILITY REQUIREMEN	118				
	005.4.47()				
period of coverage	265.147(e)				
				_	
PART	Г 270 - EPA ADMINISTERE			E	
	HAZARDOUS WASTE	PERMIT PROGRA	AΜ		
	SUBPART B - PERI	MIT APPLICATION			
CONTENTS OF PART B:	GENERAL REQUIREMEN	ITS			
documentation that					_
notices are filed	270.14(b)(14)				
cost estimates and					
financial assurance	270.14(b)(15)				

				STATE	ANALOG IS:
		ANALOGOUS	EQUIV-	MORE	BROADER
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	STATE CITATION	ALENT	STRINGENT	IN SCOPE
post-closure cost					
estimates and					
financial assurance	270.14(b)(16)				
ilitariciai assararice	270.17(0)(10)				
	CUDDART D. CHA	NOT TO DEDMITE			
	SUBPART D - CHA	NGE TO PERIVITS			
					-
MINIOD MODIFICATION	0.05.0504470				
MINOR MODIFICATION	S OF PERMITS				
changes in ownership					
or operational control	270.42(d)				
	SUBPART G - IN	ITERIM STATUS			
CHANGES DURING INT	ERIM STATUS				
changes in ownership					
or operational control	270.72(d)				
or operational control	210.12(a)				